

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2005/000124

International filing date (day/month/year)
14.01.2005

Priority date (day/month/year)
05.03.2004

International Patent Classification (IPC) or both national classification and IPC
A23G1/20, A23G3/02, A23G7/02

Applicant
SOREMARTEC S.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Hinrichs, W

Telephone No. +31 70 340-3310



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/000124

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/000124

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------------------|
| Novelty (N) | Yes: Claims | 11, 14, 16-24 |
| | No: Claims | 1-10, 12, 13, 15 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-24 |
| Industrial applicability (IA) | Yes: Claims | 1-24 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: FR-A-2 574 253 (BON DANIEL) 13 June 1986 (1986-06-13)

D2: JP 62 195877 A (MATSUSHITA ELECTRIC WORKS LTD) 28 August 1987
(1987-08-28)

D3: FR-A-2 729 278 (LENOIR ET COMPAGNIE ETS) 19 July 1996 (1996-07-19) ?

D4: US-A-6 092 388 (WALDSTROEM EJVIND) 25 July 2000 (2000-07-25)

D5: DE 100 19 297 A (BLEICHERT FOERDERANLAGEN GMBH) 9 November
2000 (2000-11-09)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1** is not new in the sense of Article 33(2) PCT.

The document D1 (page 3, lines 15-25, fig. A) discloses (the references in parentheses applying to D1):

A device for moulding foodstuff masses comprising a mould (5) provided with at least one socket defining a pouring cavity, one insert (1) made of thermally conductive material associated, in a heat-exchange relationship, with said pouring cavity (5) and one thermal-conditioning unit (2 and 3) associated to said insert made of thermally conductive material (**claim 1**).

It is worth mentioning that D3 (page 5, line 30 - page 7, line 25; fig. 2, 3) and D4 (column 2, line 44 - column 3, line 2; fig. 1, 5) also disclose a device comprising all technical features of claim 1.

The subject-matter of **claim 1** is therefore not new (Article 33(2) PCT).

2. Dependent claims do not contain any additional features which, in combination with

the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty or inventive step the reasons being as follows:

- the additional features of **claims 2-7, 13** are directly known from the same document D1 (page 3, lines 15-25, fig. A);
- the additional features of **claims 8-12** are directly known from the document D3 (page 5, line 30 - page 7, line 25; fig. 2, 3) or obvious to the person skilled in the art in consideration of the disclosure of the same document;
- the additional feature of **claim 15** is directly known from the document D4 (page 5, line 30 - page 7, line 25; fig. 2, 3);
- the additional features of **claims 17-23** are a combination of features obvious to the person skilled in the art in consideration of the disclosure of documents D1 and D2 (abstract);
- the additional features of **claims 14, 16 and 24** are a combination of features obvious to the person skilled in the art in consideration of the disclosure of document D5
